

ORIGINAL

Office No.

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NY

Index No. 08 CIV 2420 (LTS)

JOY HOCHSTADT

-against-

NEW YORK CITY DEPARTMENT EDUCATION ET. AL.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF NEW YORK)

**Substituted
Service**

Byran McElderry, being duly sworn, deposes and says:

I am over the age of 18 years, am not party to this action, and reside in the State of New York.

That on **4/3/2008**, at **3:00 pm**, at **Special Education District 75 400 1st Avenue New York, NY 10010**

I served the **Cover page, United States District Court, Southern District of New York Individual Practices of Judge Laura Taylor Swain, Guidelines for Electronic Case Filing, 3rd Amended Instructions for filing an Electronic Case or Appeal, Procedures for Electronic Case Filing**

Upon **Richard Weiss**, by delivering a true copy bearing Index # 08 CIV 2420 (LTS)

to a person of suitable age and discretion,

to wit: **Susan Holtman, Esq.**,

Déponeit describes the person so served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: Female; Color: White; Hair: Brown; Approx. Age: 45-49; Approx. Height: 5'6";
Approx. Weight: 160; Other:

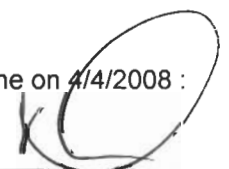
That on 4/4/2008, your deponent mailed another true copy of same by first class mail properly enclosed and sealed in a postpaid wrapper addressed to the recipient at:

Special Education District 75 400 1st Avenue New York, NY 10010

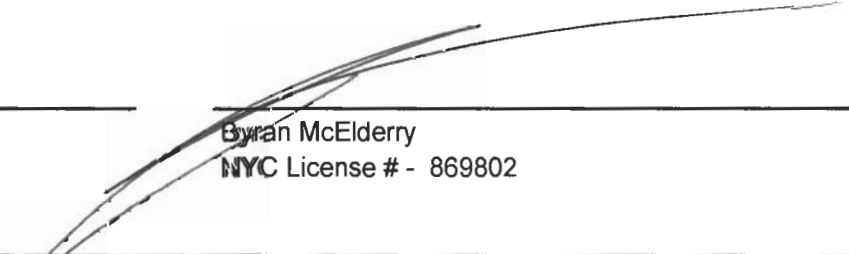
in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the recipient. Said envelope was deposited in an official depository under exclusive care and custody of the U.S. Postal Service in the State of New York.

That at the time of service as aforesaid, I asked person so served or person spoken to whether the intended recipient was in the military service of State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid, I aver that the intended recipient is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or Servicemembers' Civil Relief Act.

Sworn to before me on 4/4/2008 :



Denise Lowe
Notary Public, State of New York
No. 01LO6168083
Qualified in New York County
Commission Expires 6/4/2011



Byran McElderry
NYC License # - 869802

13930

Attorney: **NEW YORK STATE UNITED TEACHERS**
52 BROADWAY, 9TH FLR, NEW YORK, NY 10004
Phone: (212) 533-6300

SERVICE AGENT: National Process Service
20 Vesey Street, New York, NY 10007-2953
Phone (212) 349-3776 (109239)